

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA <i>et al.</i>)	
<i>ex rel.</i> MATHEW FITZER,)	
)	
Plaintiffs,)	
)	Civil No. 1-17-cv-00668-SAG
v.)	
)	
ALLERGAN, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

STATUS REPORT

Comes now Plaintiff-Relator Mathew A. Fitzer, through counsel, to provide a status report in response to the Court's Order of March 10, 2021.

Counsel for the Plaintiff-Relator has conferred with counsel for the United States prior to filing this report.

After the United States and listed plaintiff States declined intervention in this matter, the Court unsealed the action and dismissed only those claims regarding the State of Maryland in its Order dated February 5, 2021.

Pursuant to the False Claims Act, 31 U.S.C. § 3730(c)(3), and similar authority under State False Claims Acts, the Plaintiff-Relator plans to pursue the pending claims in litigation. To that end, he has obtained additional counsel and *pro hac vice* motions are being prepared for filing.

Counsel is arranging for service and will effectuate service in a manner consistent with the Federal Rules of Civil procedure. Counsel anticipates service to be successful no later than next week, well within the 90-day time period under the Federal Rules. That time period is tolled for the period the case remained under seal.

Counsel is also seeking out counsel for Defendants to engage in initial discussions regarding the litigation, including the likelihood that Plaintiff-Relator will seek to amend the Complaint, and therefore, engage in a stipulation for that purpose, once service is complete and counsel for Defendants have entered their appearances.

Respectfully submitted,

_____/s/_____
David Benowitz
Counsel for Plaintiff Relator Mathew A. Fitzer
Bar #17672
Price Benowitz, LLP
409 Seventh Street, Suite 200
Washington, DC 20004
(202) 417-6000
david@pricebenowitz.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of April, 2021, a copy of the foregoing Status Report has been served upon all parties to this case via this Court's electronic filing system.

_____/s/_____
David Benowitz

I HEREBY FURTHER CERTIFY that on this 8th day of April, 2021, a copy of the foregoing Status Report was sent by electronic mail to: Anthony C. Munter, 409 Seventh Street, NW, Suite 200, Washington, DC 20004, Counsel for Relator and to Assistant Attorney General Steven McCallister, General Medicaid Investigations Division, North Carolina Dept. of Justice, 5505 Creedmoor Rd., Suite 300 Raleigh, N.C. 27612, Representative of Plaintiff States.

_____/s/_____
David Benowitz